

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

KONINKLIJKE PHILIPS N.V. and PHILIPS
LIGHTING NORTH AMERICA
CORPORATION,

Plaintiffs,

v.

AMERLUX, LLC and
AMERLUX EXTERIOR, LLC,

Defendants.

Civil Action No. 1:15-cv-13086-LTS

ANSWER TO DEFENDANTS' COUNTERCLAIMS

Plaintiffs Koninklijke Philips N.V. (“KPNV”) and Philips Lighting North America Corporation (“PLNA”) (collectively, “Philips”) answer the Counterclaims filed on October 26, 2015, by Defendants Amerlux, LLC and Amerlux, Exterior, LLC (collectively, “Amerlux”).

THE PARTIES

1. Philips lacks sufficient information to admit or deny the allegations in this paragraph.
2. Philips lacks sufficient information to admit or deny the allegations in this paragraph.
3. Philips admits the allegations in this paragraph.
4. Philips admits the allegations in this paragraph.

JURISDICTION AND VENUE

5. Philips admits the allegations in this paragraph.
6. Philips does not contest that this Court has jurisdiction over it.
7. Philips does not contest that venue in this district is proper.

8. Philips admits that an actual and justiciable controversy exists between Amerlux and Philips regarding Amerlux's infringement of the patents-in-suit. Philips further admits that Amerlux's allegations in the counterclaims give rise to a controversy regarding the validity of the patents-in-suit.

COUNT I

(Declaratory Judgment of Non-Infringement of U.S. Patent No. 6,094,014)

- 9. Philips incorporates by reference herein its responses in paragraphs 1-8.
- 10. Philips admits the allegations in this paragraph.
- 11. Philips admits the allegations in this paragraph.
- 12. Philips admits the allegations in this paragraph.
- 13. Philips denies the allegations in this paragraph.
- 14. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.

COUNT II

(Declaratory Judgment of Non-Infringement of U.S. Patent No. 6,250,774)

- 15. Philips incorporates by reference herein its responses in paragraphs 1-14.
- 16. Philips admits the allegations in this paragraph.
- 17. Philips admits the allegations in this paragraph.
- 18. Philips admits the allegations in this paragraph.
- 19. Philips denies the allegations in this paragraph.
- 20. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.

COUNT III

(Declaratory Judgment of Non-Infringement of U.S. Patent No. 6,577,512)

21. Philips incorporates by reference herein its responses in paragraphs 1-20.
22. Philips admits the allegations in this paragraph.
23. Philips admits the allegations in this paragraph.
24. Philips admits the allegations in this paragraph.
25. Philips denies the allegations in this paragraph.
26. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.

COUNT IV

(Declaratory Judgment of Non-Infringement of U.S. Patent No. 7,038,399)

27. Philips incorporates by reference herein its responses in paragraphs 1-26.
28. Philips admits the allegations in this paragraph.
29. Philips admits the allegations in this paragraph.
30. Philips admits the allegations in this paragraph.
31. Philips denies the allegations in this paragraph.
32. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.

COUNT V

(Declaratory Judgment of Non-Infringement of U.S. Patent No. 7,262,559)

33. Philips incorporates by reference herein its responses in paragraphs 1-32.
34. Philips admits the allegations in this paragraph.
35. Philips admits the allegations in this paragraph.
36. Philips admits the allegations in this paragraph.

37. Philips denies the allegations in this paragraph.

38. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.

COUNT VI
(Declaratory Judgment of Non-Infringement of U.S. Patent No. 8,220,958)

39. Philips incorporates by reference herein its responses in paragraphs 1-38.

40. Philips admits the allegations in this paragraph.

41. Philips admits the allegations in this paragraph.

42. Philips admits the allegations in this paragraph.

43. Philips denies the allegations in this paragraph.

44. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.

COUNT VII
(Declaratory Judgment of Invalidity of U.S. Patent No. 6,094,014)

45. Philips incorporates by reference herein its responses in paragraphs 1-44.

46. Philips admits the allegations in this paragraph.

47. Philips admits the allegations in this paragraph.

48. Philips denies the allegations in this paragraph.

49. Philips denies the allegations in this paragraph.

50. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.

51. Philips denies the allegations in this paragraph and further denies that Amerlux is entitled to any of the relief requested in this paragraph.

COUNT VIII

(Declaratory judgment of Invalidity of U.S. Patent No. 6,250,774)

- 52. Philips incorporates by reference herein its responses in paragraphs 1-51.
- 53. Philips admits the allegations in this paragraph.
- 54. Philips admits the allegations in this paragraph.
- 55. Philips denies the allegations in this paragraph.
- 56. Philips denies the allegations in this paragraph.
- 57. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.
- 58. Philips denies the allegations in this paragraph and further denies that Amerlux is entitled to any of the relief requested in this paragraph.

COUNT IX

(Declaratory judgment of Invalidity of U.S. Patent No. 6,577,512)

- 59. Philips incorporates by reference herein its responses in paragraphs 1-58.
- 60. Philips admits the allegations in this paragraph.
- 61. Philips admits the allegations in this paragraph.
- 62. Philips denies the allegations in this paragraph.
- 63. Philips denies the allegations in this paragraph.
- 64. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.
- 65. Philips denies the allegations in this paragraph and further denies that Amerlux is entitled to any of the relief requested in this paragraph.

COUNT X
(Declaratory judgment of Invalidity of U.S. Patent No. 7,038,399)

- 66. Philips incorporates by reference herein its responses in paragraphs 1-65.
- 67. Philips admits the allegations in this paragraph.
- 68. Philips admits the allegations in this paragraph.
- 69. Philips denies the allegations in this paragraph.
- 70. Philips denies the allegations in this paragraph.
- 71. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.
- 72. Philips denies the allegations in this paragraph and further denies that Amerlux is entitled to any of the relief requested in this paragraph.

COUNT XI
(Declaratory judgment of Invalidity of U.S. Patent No. 7,262,559)

- 73. Philips incorporates by reference herein its responses in paragraphs 1-72.
- 74. Philips admits the allegations in this paragraph.
- 75. Philips admits the allegations in this paragraph.
- 76. Philips denies the allegations in this paragraph.
- 77. Philips denies the allegations in this paragraph.
- 78. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.
- 79. Philips denies the allegations in this paragraph and further denies that Amerlux is entitled to any of the relief requested in this paragraph.

COUNT XII
(Declaratory judgment of Invalidity of U.S. Patent No. 8,220,958)

- 80. Philips incorporates by reference herein its responses in paragraphs 1-79.
- 81. Philips admits the allegations in this paragraph.
- 82. Philips admits the allegations in this paragraph.
- 83. Philips denies the allegations in this paragraph.
- 84. Philips denies the allegations in this paragraph.
- 85. Philips denies that Amerlux is entitled to any of the relief requested in this paragraph.
- 86. Philips denies the allegations in this paragraph and further denies that Amerlux is entitled to any of the relief requested in this paragraph.

JURY DEMAND

This paragraph presents no allegation to which a response is required. To the extent this paragraph presents any allegations to which Philips must respond, Philips denies such allegations.

PRAYER FOR RELIEF

Philips denies that Amerlux is entitled to any of the relief requested in its Prayer for Relief.

Dated: November 16, 2015

Respectfully submitted,

/s/ Denise W. DeFranco

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Philips Lighting North America Corporation

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non-registered participants on November 16, 2015.

Respectfully submitted,

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